

REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed September 2, 2003. Initially, Applicants would like to thank the Examiner for the careful consideration given this case. Claim 7 has been currently amended. Claim 1-6 have been canceled without prejudice. Thus, Claim 7 is presently pending. In view of the above amendments and the following remarks, Applicants respectfully submit that the presently-pending claim is in form for allowance and notification of such is respectfully requested.

Priority

The Examiner notes that the Applicants have not provided a certified copy of the Spanish application. The Applicants are in the process of obtaining a certified copy of that application and will provide it to the Examiner as soon as it is available.

Drawings

The Examiner requires formal drawings upon allowance of the case. The Applicants are in the process of obtaining formal drawings and will provide it to the Examiner as soon as it is available.

Rejection Based Under 35 U.S.C. §112, First Paragraph

The Examiner has rejected Claims 1-7 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Examiner argues that the claims contain subject matter not described in the specification. In particular, the Examiner has pointed out that the newly added limitation “a patient” in claim 1 and 7 is considered new matter since a disable or wheelchair bound person is not necessarily a patient. As mentioned above, Applicants have cancelled Claim 1 without prejudice. Applicants have also amended Claim 7 to address this concern of the Examiner. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph be reconsidered and withdrawn.

Rejection Based On Sanderne Under 35 U.S.C. § 102 (b)

The Examiner rejects previously pending Claims 1-3 and 5 under 35 U.S.C. § 102 (b) as being anticipated by Sanderne (FR 719,778; the '778 patent). Applicants respectfully traverse this rejection.

For a rejection to be sustained under 35 U.S.C. § 102 (b) each and every element of the claimed invention must be disclosed in the cited prior art. As stated above, Applicant has canceled Claims 1-3 and 5. Since Claims 1-3 and 5 have been canceled without prejudice by this amendment, the Examiner's rejection is rendered moot. Withdrawal of the present rejection is respectfully requested.

Rejection Based On Sanderne In View Of Cumbie Under 35 U.S.C. § 103 (a)

The Examiner rejects Claims 4 and 6 under 35 U.S.C. § 103(a) as being obvious over Sanderne in view of Cumbie (U.S. Patent No. 5,040,813; the '813 patent). Reconsideration and withdrawal of this rejection are respectfully requested. Applicants respectfully traverse this rejection.

To establish obviousness of a claimed invention, all claim elements must be disclosed, taught or suggested by the prior art. As discussed above, Applicants have canceled Claims 1-6 without prejudice to render this rejection moot. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103 (a).

Allowable Subject Matter

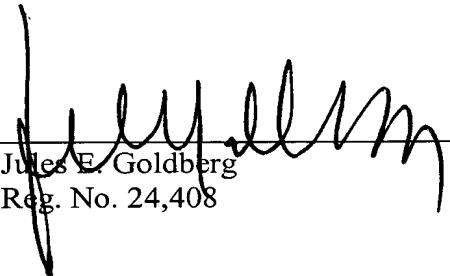
Applicants thank the Examiner for indicating that Claim 7 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. §112, first paragraph.

The above amendments and accompanying remarks address each and every concern raised by the Examiner in the Office Action. Based on these clarifying amendments, Applicant believes that all claims of the present invention are now in condition for final allowance. As outlined above, each of these amendments is fully supported throughout the specification, and no new matter is introduced by these amendments. If the Examiner feels that any issues remain outstanding, the Examiner is encouraged to contact Applicant's attorney at the contact information below.

Respectfully submitted,

Dated: November 3, 2004

By


Jules E. Goldberg
Reg. No. 24,408

REED SMITH LLP
599 Lexington Avenue
29th Floor
New York, NY 10022-7650
(212) 521-5400

Attorney for Applicant